

**PB# 02-14**

**Pennings (Sub.)  
(Withdrawn)**

**54-1-3.15**

02-14

PENNINGS SUBDIVISION - 4 LOTS  
DUTCHMAN DRIVE (PFAU)

*Withdrawn 02-21-03*

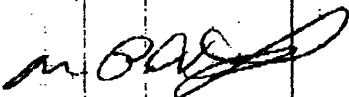
February 21, 2003

Town of New Windsor  
Planning Board  
555 Union Avenue  
New Windsor, New York 12553

Please withdraw the following application number 02-14.

Thank-you.

Sincerely,



Henry VanLeeuwen

**PREVIOUS  
DOCUMENT  
IN POOR  
ORIGINAL  
CONDITION**

**New York State Department of Environmental Conservation  
Division of Environmental Permits, Region 3**

21 South Putt Corners Road, New Paltz, New York 12561-1696  
Phone: (845) 256-3054 FAX: (845) 255-3042  
Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Erin M. Crotty  
Commissioner

November 4, 2002

Joseph J. Pfau, P.E.  
Pietrzak & Pfau Engineering, PLLC  
262 Greenwich Avenue, Suite A  
Goshen, New York 10924

**RE:** DEC Application No. 3-3348-00212/00001  
Van Leeuwen Proposed Two Lot Subdivision Within Regulated Area of Freshwater Wetland  
MB-36 (Class II)  
Town of New Windsor, Orange County

**NOTICE OF INCOMPLETE APPLICATION**

Dear Mr. Pfau:

We received the above application to construct a 2-lot residential subdivision within the regulated area of Freshwater Wetland MB-36 (Class II) on a 12+ acre property owned by Henry Van Leeuwen on Beattie Road in the Town of New Windsor on October 7, 2002. Following my telephone request October 8<sup>th</sup> for additional copies of plans, additional documentation was received October 18, 2002.

Our files also contain an historical plan entitled "*Sketch Plan Major Subdivision*" for Henry Van Leeuwen dated December 4, 1984, prepared by Elias D. Grevas, L.S., which indicates that the site of the currently proposed subdivision was part of an earlier, larger subdivision of lands of Mr. Van Leeuwen. The 1984 plan shows 12 building lots (on the northwestern portion of the site) subdivided from a 69.16 acre parcel, with the remainder of the parcel shown as Lot #13, which is made up primarily of lands within Freshwater Wetland MB-36. The currently submitted plans prepared by your office do not acknowledge that it was part of an earlier subdivision of the original parcel. In addition, current plans show an existing dwelling on the site (Lot #13 in 1984 plan with frontage on Beattie Road) which was also apparently not part of the earlier 12-lot subdivision. Our review to date of the current proposal indicates that the project will not meet the permit issuance standards contained in Freshwater Wetland regulations 6 NYCRR 663 (copy attached). We don't believe a "hardship" exists, as the original parcel was successfully subdivided into 12 lots, and an additional home has been constructed on the remainder of the subdivided parcel (Lot #13 on 1984 plan). Therefore, we believe that a *reasonable and practicable alternative* to the currently proposed further subdivision of the remaining lot (original Lot #13), has already been constructed: the existing home located immediately east of *FM Lot 1* (as shown on the submitted plans).

Therefore, from the foregoing and based upon our review of submitted materials, the application has been determined to be incomplete. In order to continue processing your application, please submit the following information:

1. **Plan Requirements** - Provide a full set of plans which clearly show the following:
  - A. The original 69.16 acre parcel with all previous subdivisions shown. Include on plan all existing and proposed homes and structures;

- B. Limits of disturbance for all activities currently proposed within Freshwater Wetland MB-36 and its 100 foot adjacent area. Include proposed lawn areas, septic system, fencing, garage, etc.;
- C. Cross sections of the proposed driveway and proposed septic system. Include cross section of the driveway at its area of deepest fill. If a culvert is proposed within the driveway for drainage, include cross section and details of culvert installation. NOTE: Cross section drawings should include side slopes of proposed fill areas;
- D. All proposed erosion and sediment controls for the construction phase of the project (silt fence, staked haybales, other). Also include any proposed drainage improvements which will be permanent. Include symbols for all such temporary and permanent components in the legend;
- E. Grading plan showing existing and proposed grades;
- F. Location of all wetlands which border the site;
- G. Streams and other surface waters. NOTE: Several tributaries to Otter Kill are apparently located on, or proximate to, the site;
- H. Adjacent land ownership; and
- I. Federally protected wetlands.

2. **Freshwater Wetlands** - Provide the following information:

- A. Clearly list and describe all activities currently proposed within the Freshwater Wetland and adjacent area. Provide the total amount of material (in cubic yards) to be filled or excavated within Freshwater Wetland MB-36 and the adjacent area;
- B. Identify the compatibility of each of the items listed in *Item No. 2.A.* above with the compatibility listing found in Freshwater Wetland Regulations at 6 NYCRR 663.4;
- C. Address each of the standards for permit issuance contained in Part 663.5 of the enclosed regulations;
- D. Total area of disturbance (square feet) to Freshwater Wetland MB-36 and the adjacent area;
- E. Freshwater Wetland regulations (6 NYCRR 663) require that disturbances to the wetland and its buffer area be avoided or minimized in order to meet permit issuance standards. Therefore, discuss alternatives (i.e., alternate site access, minimization of proposed roadway width or fill, relocation of septic system, reduction of proposed home size and/or number of bedrooms, reduction of proposed home "footprint", or other) which reduce disturbance to the wetland and adjacent area. Provide justification for the chosen alternatives;
- F. Provide a wetlands assessment prepared by a wetlands biologist or qualified consultant which addresses wetland issues such as:
  - acreage to be filled and constructed, if such is proposed;
  - wetland characteristics and benefits (both existing and proposed); and
  - provisions for long-term protection and maintenance of freshwater wetlands and mitigation wetlands, if such are proposed, on the project site; and
- G. Provide a complete mitigation plan which includes:
  - existing and proposed topography;
  - water elevations based on test hole data;
  - detailed planting plan for proposed mitigation wetlands; and
  - cost estimate for construction of mitigation wetlands and proposed wetland plantings.

**NOTE:** The mitigation plan must provide a minimum wetlands replacement ratio of 2:1. A bond must also be obtained to cover the complete cost of construction of the created wetlands. I have attached a copy of Guidelines for Compensatory Mitigation for your use in preparing plans.

3. **Other** - Provide a project narrative. Include in the discussion the following:
  - A. Chronology of the earlier subdivision(s) of the site. Explain why the current [further] subdivision of the site is necessary;
  - B. Sequence of construction;
  - C. Explain the notes on the submitted plans which refer to a perc test conducted on Lot #5. Is Lot #5 currently proposed for subdivision and development or Lot #1?
  - D. Information contained in the Joint Application form and short Environmental Assessment Form (EAF) indicates that no previous permit from DEC was required/issued for work at the site. In light of the above discussion, please discuss any prior approvals for subdivision project(s) located at the Van Leeuwen site; and
  - E. Although your submission did not indicate such, approval for the current subdivision must be obtained from the Orange County Health Department. Additionally, approval for the subdivision must be obtained from the Town of New Windsor. Include as part of your resubmission any approvals and/or review comments received from these, or other, agencies with jurisdiction over current and historical projects at the site. Provide a discussion of whether the proposed lot will meet Town of New Windsor set-back requirements, especially for the proposed residence and septic system.
4. **Water Quality Certification (Section 401 of Clean Water Act)** - A Water Quality Certification under Section 401 of the Clean Water Act is required if the project disturbs an area of federal wetlands. We routinely forward copies of permit applications received by the Department to the Army Corps of Engineers (ACOE). A copy of your permit application was forwarded to the ACOE 10/8/02. Please provide a copy of any correspondence received from the ACOE regarding this project.

**NOTE: DEC staff believes that the project will not meet permit issuance standards under 6 NYCRR Part 663.5(e) of the NYS Environmental Conservation Law (ECL). The Department's position will be to deny the proposed work once the application is deemed Complete. You will be allowed an opportunity to ask for a hearing and to explain to an Administrative Law Judge how your project meets the standards in the Freshwater Wetlands law.**

In order to continue processing your application, please provide four copies of all information requested above.

Please contact me at (845) 256-3051 to discuss any questions you may have or to arrange a meeting with Department staff. Thank you.

Sincerely,



Scott Ballard  
Environmental Analyst

**Attachments**

cc: H. Van Leeuwen (w/o attachments)  
~~Town of New Windsor Planning Board~~ (w/o attachments)  
Orange County Health Department (w/o attachments)  
L. Kolts

02-14

**ROADWAY CONSTRUCTION COST ESTIMATE  
PENNINGS MAJOR SUBDIVISION SECTION 4  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**ROADWAY CONSTRUCTION**

ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	ITEM COST
Roadway	12" Thick Shale 30' Wide	SY	2072	\$4.75	\$9,842.00
	2" Thick NYS Item 4 30' Wide	SY	2072	\$8.50	\$17,612.00
	3.5" Thick Base Course Pave. 30' Wide	SY	2072	\$6.15	\$12,742.80
	1.5" Finish Course Pave. 30' Wide	SY	2072	\$5.05	\$10,463.60
	Concrete Curb with Underdrain	LF	918	\$15.00	\$13,770.00
ROADWAY CONSTRUCTION SUBTOTAL					\$51,687.60

**STORM DRAINAGE SYSTEM**

ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	ITEM COST
Catch Basins	Standard 0-6' depth	Ea.	4	\$1,800.00	\$7,200.00
Flared End Section	18"	Ea.	1	\$260.00	\$260.00
Storm Drain Pipe	18" dia. HDPE	LF	25	\$23.00	\$575.00
	15" dia. HDPE	LF	486	\$18.00	\$8,388.00
STORM DRAINAGE SYSTEM SUBTOTAL					\$16,413.00

**SITE WORK**

ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	ITEM COST
Rough Grading		SF	34,404	\$0.10	\$3,440.40
Erosion Control		LS	1	\$2,000.00	\$2,000.00
SITE WORK SUBTOTAL					\$5,440.40

**MISCELLANEOUS**

ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	ITEM COST
As-Built Plan	As-Built Survey	Ea.	1	\$2,500.00	\$2,500.00
Stop Sign	Installed	Ea.	1	\$500.00	\$500.00
Concrete Monuments	Installed	Ea.	6	\$250.00	\$1,500.00
MISCELLANEOUS SUBTOTAL					\$4,500.00

**COST SUMMARY**

ROADWAY CONSTRUCTION SUBTOTAL	\$51,687.60
STORM DRAINAGE SYSTEM SUBTOTAL	\$16,413.00
SITE WORK SUBTOTAL	\$5,440.40
MISCELLANEOUS SUBTOTAL	\$4,500.00

**TOTAL CONSTRUCTION COSTS SUMMARY** **\$78,041.00**

MWS

pennings major subdivision section 4 cost estimate

9/5/2002

96134.06



PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

# **SHORT ENVIRONMENTAL ASSESSMENT FORM** **For UNLISTED ACTIONS Only**

**PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)**

<b>1. APPLICANT /SPONSOR</b> HENRY VANLEEUEWEN	<b>2. PROJECT NAME</b> PENNINGS MAJOR SUBDIVISION - SECTION 4
<b>3. PROJECT LOCATION:</b> Municipality <u>Town of New Windsor</u> County <u>Orange County</u>	
<b>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)</b> West side of Dutchman Drive, 600' northwest of Lake Road.	
<b>5. IS PROPOSED ACTION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
<b>6. DESCRIBE PROJECT BRIEFLY:</b> Four (4) lot residential subdivision, utilizing interior cul-de-sac road. All lots to be served by individual wells and septic.	
<b>7. AMOUNT OF LAND AFFECTED:</b> Initially <u>13.94</u> acres    Ultimately <u>13.94</u> acres	
<b>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
<b>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
<b>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency(s) and permit/approvals Town of New Windsor Planning Board - Subdivision Approval.	
<b>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
<b>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Joseph J. Pfau, R.E.</u> Date: <u>6/5/02</u>	
Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

 OVER  
1

JUN 10 2002

ENGINEER &amp; PLANNING

02-14

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b> If yes, coordinate review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b> C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  <b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:	
_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (If different from responsible officer)
<div style="border: 1px solid black; padding: 5px; text-align: center;">RECEIVED TOWN OF NEW WINDSOR Date JUN 10 2002 ENGINEER &amp; PLANNING</div>	

02-14